



City of Hermosa Beach
 1315 Valley Drive, Hermosa Beach, CA 90254
 310.318-0203 - Fax 310.372-6186
 Email: recordsrequest@hermosabch.org



Received By: CC
 Referred To: PD
 Date Referred: 3-27-18

Public Records Request

The City of Hermosa Beach encourages public participation in the governing process and provides reasonable accessibility to all public records except those documents which are exempt from disclosure by express provisions of law or considered confidential or privileged under the law. The City is under no obligation to respond to requests which are not focused or specific. The City may withhold documents which are exempt from disclosure under state or federal law, including the attorney—client privilege or any other applicable privilege. The City, in accordance with Government Code Section 6253(b), has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Actual production of the documents may take somewhat longer depending upon their ease of availability and staff workload. To assist us in providing a timely response to your request, please fill out the form below and indicate the specific record/document you wish to review.

Name (please print): <u>Saira Hussain</u>		Email: <u>sairah@advancingjustice-alc.org</u>
Address:		Phone: <u>415-848-7707</u>
City:		Fax:

Record or Document Requested:

To assist the City with your request, please identify each requested record/document separately. Please be as specific as possible. Non specific inquiries may cause responses to be delayed or may prove to be burdensome and therefore the City may not be able to respond. (Additional sheets may be used) **Submit all requests to the City Clerk's Office.**

See attached

Photocopies are \$0.20 per page (Mailing fee, if applicable is \$3.00 plus postage). Fees must be paid before records are released.

I agree to pay all applicable fees and charges per the City Council Resolution of Fees for any copies I request of the above mentioned document. *Accepted method of payment:* Cash or check. Credit card accepted in person only.

Signature _____

Date _____

For Departmental Use Only:

Action Requested:

☐ Review Only
☐ Copies Requested

Action Taken:

☐ Document Reviewed
☐ Copies Provided
☐ Refusal/Reason _____

By _____ Date _____

☐ Non-Existent Document
☐ Other (Please Explain) _____

For City Clerk's Use Only:

Date Requestor Notified _____ Notified By: _____ Date Picked Up or Mailed _____

**VIA U.S. MAIL**

March 22, 2018

Chief Sharon Papa
Hermosa Beach Police Department
540 Pier Ave
Hermosa Beach, CA 90254

**RE: Public Records Act Request Regarding Data Collection for SB 54
Compliance**

Dear Chief Papa:

We are representatives of non-profit legal organizations in California that provide technical assistance, promote policies, and conduct litigation in the areas of immigration and civil rights law. In December 2017, we sent the Hermosa Beach Police Department a letter to offer guidance regarding implementation of a new state law, known as the California Values Act (SB 54). This is a request for information pursuant to California's Public Records Act, California Government Code §§ 6250 – 6276.48, on behalf of Asian Americans Advancing Justice – Asian Law Caucus and National Day Laborer Organizing Network. We ask that you please direct this request to all appropriate offices and departments within the Hermosa Beach Police Department that may supply any of the information sought through this request.

A. Requested Information

1. We request any and all records¹ from January 2017 to the present related to:
 - a. The number of immigration detainers, notification requests, and transfer requests (through Forms I-247A, I-247D, I-247N, and I-247X, as well as any other means of formal or informal requests) that the Hermosa Beach Police Department has received from Immigration and Customs Enforcement ("ICE") or Customs and Border Protection ("CBP");
 - b. The number of those requests that the Hermosa Beach Police Department has responded to;
 - c. The basis for which the Hermosa Beach Police Department responded to each request; and
 - d. The number of people ICE or CBP picked up from the Hermosa Beach Police Department's custody after the Hermosa Beach Police Department's response to a request.

¹ The term "records" as used herein means "public records" as broadly defined by Cal. Gov. Code § 6252(e), and includes, but is not limited to, correspondence, documents, data, videotapes, audio tapes, DVDs, CDs, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

2. We request any and all records from January 2017 to the present related to:
 - a. The number of inmates in the Hermosa Beach Police Department's custody that ICE or CBP requested to interview;
 - b. The number of inmates who received a written consent form pursuant to California Government Code 7283.1, also known as the TRUTH Act;
 - c. The number of inmates who declined to be interviewed by ICE or CBP; and
 - d. The number of inmates who agreed to be interviewed by ICE or CBP with an attorney present;
 - e. The number of inmates who agreed to be interviewed by ICE or CBP without an attorney present;
 - f. The number of inmates who ICE or CBP actually interviewed.
3. We request any and all records from January 2017 to the present related to:
 - a. The number of individuals arrested during joint operations with the Department of Homeland Security ("DHS"), CBP, or ICE (including ICE Homeland Security Investigations ("HSI"));
 - b. The criminal charges brought against each individual; and
 - c. The number of individuals charged with civil immigration violations.
4. We request any and all records from October 2017 to the present related to communications within the Hermosa Beach Police Department and between the Hermosa Beach Police Department and the following persons/entities regarding immigration enforcement policy, including communications about SB 54, communications about the federal government filing a lawsuit regarding SB 54, recent and proposed ICE deportation-related enforcement activity, and detention contracts²:
 - a. The Department of Homeland Security
 - b. Immigration and Customs Enforcement
 - c. Customs and Border Protection
 - d. The White House
 - e. The U.S. Department of Justice
 - f. The California Department of Justice
 - g. California law enforcement officials (including the California State Sheriffs' Association, the California Police Chiefs' Association, and individual California Sheriffs and Police Chiefs or any members of their agencies)

For each person/entity, we seek records of the communications themselves as well as any other records related to the communications. This request does not seek information regarding individual immigration detainers or the details of specific individual cases.

² See Caitlin Dickerson, "Trump Administration Moves to Expand Deportation Dragnet to Jails," N.Y. Times, Aug. 21, 2017, available at https://www.nytimes.com/2017/08/21/us/sheriffs-immigration-jails.html?_r=0.

B. Fee Waiver

We request a waiver of all costs because disclosure of the information will likely contribute significantly to public understanding of the Hermosa Beach Police Department's implementation of SB 54 and other state laws to protect immigrant communities, and our organizations will use this information to inform our public education and advocacy efforts. Furthermore, we have no commercial interest in this matter, and plan to make any information received as a result of this request available to the public, at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill legislative intent.³ If you are not able to waive the applicable fees, please inform us immediately of any payment required prior to copying.

We look forward to receiving a response within ten (10) calendar days following receipt of this letter. Cal. Gov. Code § 6253(c). If this request is denied in whole or part, we ask that your office describe with specificity each record withheld and justify in writing all deletions by reference to specific exemptions of the Public Records Act. Cal. Gov. Code § 6255. Please also disclose any portions of those records for which no exemption is claimed. We reserve the right to appeal a decision to withhold any records.

We prefer receipt of the requested records through email. Please send electronic records via email to Saira Hussain at sairah@advancingjustice-alc.org.

Please send any paper copies to the following address:

Saira Hussain
Advancing Justice – Asian Law Caucus
55 Columbus Ave.
San Francisco, CA 94111

If you have any questions regarding this request, please contact Saira Hussain at (415) 848-7707 or sairah@advancingjustice-alc.org.

Thank you in advance for your timely response.

Sincerely,

/s/ Saira Hussain

Saira Hussain
Staff Attorney
Asian Americans Advancing Justice – Asian
Law Caucus

/s/ Jessica Karp Bansal

Jessica Karp Bansal
Litigation Director
National Day Laborer Organizing Network

³ In enacting the PRA, the California legislature expressly declared "access to information concerning the conduct of the people's business is a fundamental and necessary right to of every person in the state." Cal. Gov. § 6250.